

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-319-C - ORDER NO. 98-697

SEPTEMBER 14, 1998

IN RE: Tel-Save, Inc.,)	ORDER DENYING
)	HEARING AND
Complainant,)	DISMISSING COMPLAINT
)	
vs.)	
)	
BellSouth Telecommunications, Inc.,)	
)	
Respondent.)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Tel-Save, Inc. (Tel-Save) for a hearing in its Complaint matter. For the following reasons, we deny the request and dismiss the Complaint.

Tel-Save filed a complaint which alleges that BellSouth Telecommunications, Inc. (BellSouth) does not permit end-user customers to lift PIC freezes by means of e-mail, whether transmitted directly by the customer or forwarded by Tel-Save. Tel-Save further states that, because of this refusal, BellSouth unreasonably and unnecessarily delays attempts to lift PIC freezes.

In response, BellSouth admits that it does not accept requests to lift PIC freezes directly from carriers by e-mail. BellSouth's policy requires that the customer orally verify his or her desire to lift the freeze. BellSouth further states that such requests can be

submitted by customers telephonically directly or on a three way call with the BellSouth service representative, a Tel-Save representative, and the customer. BellSouth goes on in its response to list four separate ways that a PIC freeze may be lifted. BellSouth further notes that the complaint is actually about BellSouth's refusal to honor e-mail directly from Tel-Save requesting that a PIC freeze be lifted. BellSouth states that the Tel-Save proposal would have the effect of undoing the benefit of a PIC freeze. That Company further notes that by requiring that the customer who requested a PIC freeze to be involved directly in lifting it maximizes the protection that the customer desires, and potential slamming is avoided. BellSouth states its belief that Tel-Save's proposed methodology could facilitate slamming.

Tel-Save filed a Motion for Leave to File Reply, which we certainly grant. We generally accept such replies as a matter of course. Tel-Save states its belief that the use of e-mail communication of a request to lift a PIC freeze can be accomplished safely, is more convenient, and will not weaken protection against slamming.

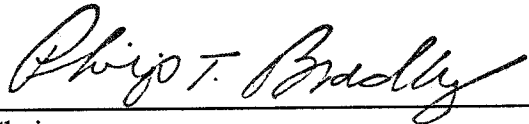
Frankly, we are not convinced by Tel-Save's arguments. In our opinion, e-mail is just not the same as having an oral discussion with the customer who initiated the PIC freeze in the first place. We believe that use of e-mail in this particular situation is subject to abuses, and may actually facilitate slamming. It appears to us that BellSouth has many acceptable alternatives available for lifting PIC freezes, other than e-mail. All of these methods involve direct participation by the end-user. Considering the problems with slamming faced by consumers today, we believe that direct participation by the consumer in removal of a PIC freeze is certainly warranted.

Accordingly, after due consideration of the entire record in this matter, we do not believe that a hearing is necessary. The issues have been clearly defined by the pleadings. The request for a hearing is therefore denied.

Further, because of the reasoning stated above, we must deny and dismiss the complaint. It appears to us that Tel-Save's proposed methodology of e-mail lifting of PIC freezes is subject to abuse by carriers, and may actually facilitate slamming. Participation by the consumer of the removal of PIC freezes by the consumer who requested them protects that consumer from being slammed. However, we do instruct the Commission Staff to monitor this matter, and make sure that South Carolina consumers are being properly served by the BellSouth methodology for PIC freeze removal.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

(SEAL)